

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Nelcy Mabel Garcia De Leon, individually
and on behalf of all others similarly situated,

Plaintiff,

-against-

New York University,

Defendant.

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DATE FILED: 3/29/2022

1:21-cv-05005 (CM) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference with the parties, and for the reasons stated on the record, it is here Ordered as follows:

1. No later than April 4, 2022, Plaintiff shall:
 - a. Conduct a diligent search of her emails and make a representation to Defendant that that she has produced all responsive emails within her possession, custody or control.
 - b. Conduct a diligent search for, and produce, her phone records for any telephone calls to NYU, including by reviewing available records from her phone company's website.
 - c. Conduct a diligent search for, and produce, EZ Pass records from August and September 2019, February 2020 and April through June 2020, by reviewing available records from the EZ Pass website.
 - d. Conduct a diligent search and make a representation to Defendant that she has produced all documents responsive to Request for Production No. 18

(including, without limitation, her agenda books and calendars) that are in her possession, custody or control.

- e. Conduct a diligent search of her internet browsing history from August 1, 2019 through August 31, 2019 and January 1, 2020 through June 30, 2020 for any NYU-related web pages she visited, and produce screen prints of such web pages.
- f. Conduct a diligent search of her text messages from March 1, 2020 through April 30, 2020 and produce any such messages regarding NYU fees or services. If Plaintiff can make a showing that such a search would require undue burden, she may, after meeting and conferring with Defendant, make an application to the Court for further relief. Any such application shall be filed no later than Friday, April 1, 2022.
- g. Supplement her response to Interrogatory No. 1 to address (a) the substance of the conversations with Karen Friedman and Dr. Heckman that she testified about during her deposition, and (b) the substance of each of the conversations referred to in her supplemental response.
- h. Supplement her responses to Interrogatory Nos. 3 and 4 to state whether she recalls any sources in addition to those identified in response to item 1(e) of this Order.
- i. Supplement her response to Interrogatory No. 16 to state whether she recalls any responsive documents that were lost or destroyed.

2. The parties shall meet and confer regarding any disputes with respect to Plaintiff's privilege log. If there are disputes that the parties cannot resolve, they shall, no later than April 4, 2022, file a joint letter setting forth their respective positions. In addition, Plaintiff shall email to Chambers (Aaron_NYSDChambers@nysd.uscourts.gov) copies of the disputed documents for the Court's *in camera* review.
3. Defendant shall complete Plaintiff's deposition no later than April 15, 2022.

SO ORDERED.

DATED: New York, New York
 March 29, 2022

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge